

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19070 OF 2005

DATED:30.8.2005

Between:

Golla Ramana, W/o.Sobhanadri

H.No.32-40/1/155A,

R/o.Machavaram

Vijayawada, Krishna District.

...Petitioner

And

The Mandal Revenue Officer,

Vijayawada Urban Mandal,

Vijayawada, Krishna District.

...Respondents

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ORDER:

The petitioner claims to be absolute owner and possessor of land admeasuring 97 Sq.yards in S.No.85A of Machavaram Village, Vijayawada. Admittedly, she and her husband occupied the land about three decades ago, constructed a residential hut bearing No.32-40/1-155/A and allegedly paying property tax since 1989. She also alleges that in 1985 she was granted house site patta by Mandal Revenue Officer, Vijayawada (Urban). Thereafter, the petitioner statedly obtained permission from Municipal Corporation and constructed pucca building. Second respondent herein appears to have filed suit O.S.No.475 of 2003 on the file of the Court of First Additional Senior Civil Judge, Vijayawada for partition and the suit is still pending. Be that as it is, first respondent herein issued a show cause notice dt.21.7.2005 alleging that the petitioner obtained patta for 97 Sq.yards by playing fraud, that first respondent came to know that the land in S.No.85A is a private land which is in the enjoyment of sons of Pilleli Kotaiah and accordingly called upon the petitioner to

show cause as to why patta should not be cancelled. This notice is assailed by the petitioner though she has submitted explanation on 3.8.2005.

It is now axiomatic that at the stage of show cause notice, ordinarily this Court does not interfere in application for judicial review. Indeed, as held by the Supreme Court in **Special Director v. Mohd. Ghulam Ghouse** even where an authority issuing show cause notice is allegedly lacks jurisdiction, even such questions can be raised in the reply to the show cause notice. Therefore, this Writ Petition is not maintainable. However, first respondent shall afford an opportunity of being heard to the petitioner or her duly instructed counsel while considering explanation submitted by the petitioner on 3.8.2005. This would ensure fairness in the enquiry being conducted by first respondent.

The Writ Petition with the above observations is accordingly dismissed. No costs.

(V.V.S.RAO, J)

30.8.2005

bnr

Note: CC in three days.

(B.O)

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